

Notice of Allowability

Application No.

10/605,979

Examiner

Benjamin Buss

Applicant(s)

ALVAREZ ET AL.

Art Unit

2129

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to a RCE filed 10/4/2006 incorporating the papers filed 10/4/2006.
2. ☒ The allowed claim(s) is/are 1-5,7-12,14-18,20,21,23-25,27-32,34-38,40 and 41.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

The application has been amended as follows:

- Claim 1, line 20: Changed "components and components related to selected problems." to -- components and components related to selected problems; --.
- Claim 1, line 23: Changed "item of equipment alone and" to -- item of equipment alone; and --.
- Claim 3, line 2: Changed "values comprise the number of failures, the probability of failure. the mean time between" to -- values comprise the number of failures, the probability of failure, the mean time between --.
- Claim 8, line 23: Changed "components and components related to selected problems." to -- components and components related to selected problems; --.
- Claim 8, line 26: Changed "item of equipment alone." to -- item of equipment alone; --.
- Claim 8, line 29: Changed "for said item of equipment and for other same type items of equipment, and" to -- for said item of equipment and for other same type items of equipment; and --.
- Claim 15, line 9: Changed "statistical failure values for said components in said component hierarchies." to -- statistical failure values for said components in said component hierarchies; --.
- Claim 15, line 12: Changed "failure, and the next expected failure and" to -- failure, and the next expected failure; and --.
- Claim 15, line 17: Changed "determining a number of prior failures for said item of equipment: " to -- determining a number of prior failures for said item of equipment; --.
- Claim 15, line 24: Changed "problems: and" to -- problems; and --.
- Claim 15, line 29: Changed "components and components related to selected problems." to -- components and components related to selected problems; --.
- Claim 15, line 32: Changed "item of equipment alone and" to -- item of equipment alone; and --.
- Claim 15, line 34: Changed "number of said prior failures. then said historic repair information provided to said user is" to -- number of said prior failures, then said historic repair information provided to said user is --.

Art Unit: 2129

- Claim 20, line 9: Changed "statistical failure values for said components in said component hierarchies," to -- statistical failure values for said components in said component hierarchies; --.
- Claim 20, line 16: Changed "determining a number of prior failures for said item of equipment: " to -- determining a number of prior failures for said item of equipment; --.
- Claim 20, line 20: Changed "is received form said user. providing said user with a plurality of said statistical failure" to -- is received form said user, providing said user with a plurality of said statistical failure --.
- Claim 20, line 28: Changed "components and components related to selected problems." to -- components and components related to selected problems; --.
- Claim 20, line 31: Changed "item of equipment alone." to -- item of equipment alone; --.
- Claim 27, line 21: Changed "components and components related to selected problems," to -- components and components related to selected problems; --.
- Claim 27, line 24: Changed "item of equipment alone and" to -- item of equipment alone; and --.
- Claim 34, line 17: Changed "and historic repair information for all major components related to all common problems:" to -- and historic repair information for all major components related to all common problems; --.
- Claim 34, line 22: Changed "components and components related to selected problems," to -- components and components related to selected problems; --.
- Claim 34, line 25: Changed "item of equipment alone and" to -- item of equipment alone; and --.
- Claim 40, line 3: Changed "repairs and not on unsuccessful." to -- repairs and not on unsuccessful repairs." --.
- Claim 41, line 27: Changed "equipment alone." to -- equipment alone; --.
- Claim 41, line 30: Changed "equipment and for other same type items of equipment." to -- equipment and for other same type items of equipment; --.
- Claim 41, line 32: Changed "repair information is for all major components related to all common problems, and" to -- repair information is for all major components related to all common problems; and" --.

2. The following is an examiner's statement of reasons for allowance:

Claims 1-5, 7-12, 14-18, 20-21, 23-25, 27-32, 34-38, and 40-41 are considered allowable since when reading the claims in light of the specification, as per MPEP §2111.01 or In re Sneed, 710 F.2d 1544, 1548, 218 USPQ 385, 388 (Fed. Cir. 1983), none of the references of record alone or in combination disclose or suggest the combination of

Art Unit: 2129

limitations specified in the independent claims including "if no selection from said list of common problems and said component hierarchy is received from said user, providing said user with a plurality of statistical failure values and historic repair information for all major components related to all common problems" and "wherein if said item of equipment has at least a predetermined number of said prior failures, then said historic repair information provided to said user is for said item of equipment alone" (supported at e.g., ¶¶[0022],[0024],[0026]), as specified in claims 1, 8, 15, 20, 27, 34, and 41.

The Examiner was persuaded by the arguments filed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Correspondence Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin Buss whose telephone number is 571-272-5831. The examiner can normally be reached on M-F 9AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Vincent can be reached on 571-272-3080. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Benjamin Buss
Examiner
Art Unit 2129


DAVID VINCENT
SUPERVISORY PATENT EXAMINER

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